

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the License )		
to Conduct Gambling Activities of: )		No. CR 2011-00288
Long T. Pham )		
Burien, Washington, )		
Licensee. )		<b>NOTICE OF ADMINISTRATIVE</b>
		<b>CHARGES AND OPPORTUNITY FOR</b>
		<b>AN ADJUDICATIVE PROCEEDING</b>

I.

The Washington State Gambling Commission issued Long T. Pham license number 68-16035, authorizing Card Room Employee activity, formerly at Golden Nugget Casino in Tukwila. This license expires on April 30, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW and WAC Title 230:

- 1) On February 16, 2011, Long T. Pham held a license issued by the State and cheated while playing Emperor's Challenge Pai Gow at the Silver Dollar Casino in Renton. Mr. Pham cheated by resetting his cards after the dealer had already revealed his cards, and as a result, won \$200.
- 2) Mr. Pham engaged in an act, practice, or course of operation while participating in a gambling activity:
  - a) With the intent of cheating a participant or the operator (Silver Dollar Casino) to gain an advantage in the game over the participant or operator; and
  - b) That operated as fraud or deceit upon Silver Dollar Casino.
- 3) Mr. Pham's actions demonstrate that he poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. His actions also violate RCW 9.46.1961 (Cheating in the First Degree) and RCW 9.46.190 (Fraud).
- 4) Previously in January 2004, the Director issued administrative charges against Mr. Pham for cheating while working as a dealer (CR 2003-05136). In September 2004, an Administrative Law Judge issued an Initial Order revoking Mr. Pham's license. Mr. Pham filed a Petition for Review to the Commissioners, and in February 2005, the Commissioners suspended Mr. Pham's license for 30 days.
- 5) The licensee has failed to prove he is qualified for licensure as required in RCW 9.46.153 and grounds exist to revoke Long T. Pham's license under RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

**RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein. (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.1961 Cheating in the First Degree**

(1) A person is guilty of cheating in the first degree if he or she engages in cheating<sup>1</sup> and:

(a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or

(b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

**RCW 9.46.190 Violations relating to fraud or deceit**

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

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<sup>1</sup> **RCW 9.46.196 Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

- (1) Employ any device, scheme, or artifice to defraud; or  
(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person.  
Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

**RCW 9.46.153(1) Applicants, licensees-Responsibilities, and duties-Waiver of liability-Investigation statement as privileged.**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 24 day of March, 2011

*Mawren Pretell*

Communications and Legal Department  
Washington State Gambling Commission

Long T. Pham  
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*Rick Day*  
\_\_\_\_\_  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 23 day of March, 2011.

*Michelle M. Pader*  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington residing at Lacey  
My Commission expires on 6/16/2013



CR 2011-00288